

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-121-FDW**

BRIAN DAVID ARNOLD,

Plaintiff,

vs.

BUDDY HARWOOD, et al.,

Defendants.

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ORDER


THIS MATTER is before the Court following Plaintiff's failure to comply with the Court's order dated June 21, 2018, in which the Court allowed Plaintiff ten days in which to notify the Court of his new address and to inform the Court whether he intends to continue prosecuting this action. See (Doc. No. 8). The Court's order stated that this action would be dismissed if Plaintiff failed to respond to the Court's order. Plaintiff has not responded to the Court's order, and the deadline to do so has passed. Furthermore, the Court's order, which was mailed to the address listed on this Court's docket, was returned as undeliverable. (Doc. No. 11). Therefore, the Court will dismiss this action for Plaintiff's failure to prosecute, and the action is alternatively subject to dismissal because Plaintiff failed to notify the Court of his change in address. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

(1) This action is dismissed without prejudice.

(2) The Clerk of this Court is directed to terminate this action.

Signed: July 8, 2018


Frank D. Whitney
Chief United States District Judge

